

January 17, 2006

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Present: Councilman Paolucci  
 Councilman Speckhard  
 Councilman Roth  
 Councilwoman Walowit  
 Supervisor Barrett  
 Deputy Town Clerk Brobston

Absent: Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
 Mark Heggen, Comptroller  
 Jason Kemper, Director of Planning  
 Richard Kukuk, Superintendent of Highways  
 Steven Myers, Director of Building and Development  
 Michael O'Brien, Environmental  
 Michael Shahan, Town Administrator

**REPORTS TO THE BOARD**

Town Comptroller Heggen stated a few revenue and expenditure items for December 2005 are still forthcoming. 2005 books will be closed February 28, 2006. A revenue recognition policy was adopted that stated anything within the next two months would be allocated to the prior year if possible. January & February sales tax and cable commissions will go on last year's books. Auditors will be coming in April, 2006.

Town Administrator Shahan announced that the Town has taken over the Shenendehowa Senior Shuttle. He stated that he and Barbara Smith met with the senior shuttle drivers to review procedures. It was suggested to begin one bus at 8:30 am and end at 4:30 pm, instead of beginning at 9:00 am to accommodate the early doctors' appointments. Drivers will still have the 35 hours work week. He also stated Matthews Bus Inc. faxed information relating to the arrival of the newly purchased bus which will be March 1, 2006. A later date than expected. He also stated the Senior Shuttle the Town is borrowing is running fine.

Town Administrator Shahan stated the Town has completed and met its commitment for the first year with the drug & alcohol testing. Anyone receiving a paycheck from the Town can be randomly selected.

Resolution No. 14 of 2006, a resolution appointing Michael O'Brien to the position of Facility Supervisor and re-appointing Margaret Kasky to the position of Secretary for the Clifton Park Sewer District No. 1.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, a need exists for a Facility Supervisor for the Clifton Park Sewer District No.1, and

WHEREAS, the Town Board wishes to appoint Michael O'Brien to fill this position; now, therefore, be it

RESOLVED, that Michael O'Brien is hereby appointed to the position of Facility Supervisor of the Clifton Park Sewer District No. 1 at an annual salary of \$10,539, as budgeted; and be it further

RESOLVED, that Margaret Kasky is hereby re-appointed as secretary to the Clifton Park Sewer District No. 1 at an annual salary of \$3,125, as budgeted.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2006, a resolution hiring a part time clerk for the Clifton Park Sewer District No. 1.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Roth.

WHEREAS, a need exists for a part time clerk for the Clifton Park Sewer District No. 1; and

WHEREAS, Michael O'Brien, Facility Supervisor, has recommended that Emily Kasky, 12 Garrison Lane, Ballston Lake, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to Michael O'Brien to hire Emily Kasky, 12 Garrison Lane, Ballston Lake as a part time clerk as needed, for the Clifton Park Sewer District No. 1, at \$7.50 per hour, not to exceed \$800 in 2006, to be paid from Contingency with a transfer to G7-811-2200 (Sewer Administration-Part-time employee).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 16 of 2006, a resolution authorizing five people from the Building Department to attend a one day NYS Building Officials Conference in Loudonville, New York.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the New York State Building Officials Conference is designed to give their members the needed hours to complete the NYS 24 hour requirement for in service education for all Code Enforcement Officers to maintain their certification, and attendance at this seminar would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Building Department is authorized to send five people to the one day NYS Building Officials Conference in Loudonville, New York, on February 28, 2006, at a cost of \$25 each as budgeted in item A-3620-001 (Building & Zoning-Training/Conference).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 17 of 2006, a resolution authorizing an employee from the Building Department to attend a NYS Building Officials Conference in Briarcliff, New York.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, the New York State Building Officials Conference is designed to give their members the needed hours to complete the NYS 24 hour requirement for in service education for all Code Enforcement Officers to maintain their certification, and attendance at this seminar would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Sam Chase to the NYS Building Officials Conference in Briarcliff Manor, New York, March 13-15, 2006 at a cost not to exceed \$900, as budgeted in item A-3620-001 (Building & Zoning-Travel/Conference); and be it further

RESOLVED, that Sam Chase is authorized to use a Town vehicle for his transportation to and from this conference.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 18 of 2006, a resolution authorizing three employees from the Building Department to attend a NYS Building Officials Conference in Troy, New York, February 1-2, 2006 for in service training on septic systems.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the New York State Building Officials Conference is designed to give their members the needed hours to complete the NYS 24 hour requirement for in service education for all Code Enforcement Officers to maintain their certification, and attendance at this seminar would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Derek Miller, Sam Chase and Wade Schoenborn to the NYS Building Officials Conference in Troy, New York, February 1-2, 2006 at a cost of \$255 each plus incidentals, not to exceed \$800, as budgeted in item A-3620-001 (Building & Zoning-Travel/Conference).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 19 of 2006, a resolution authorizing the Highway Department to purchase a new 2006 Ford Expedition, for use by the Highway Department, from NYS Contract.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, Richard Kukuk, Superintendent of Highways, has identified a need for an additional vehicle for use by the Highway Department, and

WHEREAS, Richard Kukuk has requested authorization to purchase a 2006 Ford Expedition, as described in the attached "A" from NYS Contract in the amount of \$28,561.30; now, therefore, be it

RESOLVED, that Richard Kukuk, Highway Superintendent, is hereby authorized to purchase a 2006 Ford Expedition, as described in the attached "A", from Wicker Ford, Inc. Ticonderoga, New York, per NYS Contract No. PC60924, Award No. 18489, at a cost of \$28,561.30, to be paid from 2006 Highway Budget, DA-5130-0219 (Truck/Machinery/Equipment).

Supervisor Barrett explained that the Board had some questions regarding this request and would like Superintendent Kukuk to look at other options.

Councilman Roth asked Superintendent Kukuk if he will be looking at additional options and bring that information back to the board relative to the kind of vehicle. He stated the Board does not want to hinder him from doing his job and they know he has concerns in the wintertime with the current vehicle. Vehicles that the Town has previously purchases with four-wheel drive have only been around \$20,000 as opposed to the recommended vehicle that goes for \$30,000. He thinks there are other vehicles out there that are less expensive that would work.

Highway Superintendent Kukuk explained last spring he knew the current vehicle was not the appropriate vehicle and he began to look into other options at that time. It was suggested that pick-up trucks are more for work and not appropriate for Superintendent type of travel. He stated that the Town recently purchased a 2002 model Chevy Tahoe for the Security at a cost of \$26,000 and a Chevy Tahoe for the Buildings and Grounds Supervisor for \$28, 300. OGS procurement confirmed that because this contract has been extended, this vehicle is the best value. He stated many other Highway Departments in the state are purchasing this type of vehicle who have the same type of work. These are 2002 prices for a 2006 vehicle. Following precedent from other Town Departments Superintendent Kukuk determined that the proposed vehicle is the most appropriate vehicle and the best value for the cost.

Councilman Paolucci asked if he compared the vehicle to other smaller four-wheel drive vehicles.

Superintendent Kukuk stated yes. Of the other Ford four-wheel drives this is the only vehicle still on contract.

Councilman Roth questioned if he has been hindered from doing some of the work with the current vehicle.

Superintendent Kukuk stated yes. With the current two-wheel drive vehicle getting through the snow has been difficult. Also it gets stuck in the soft mud and dirt in the new subdivisions before the roads are paved and often bottoms out. The advantage with the proposed vehicle is it has high clearance, bigger tires, more weight and four-wheel drive.

Councilman Speckhard stated that the Highway Superintendent has one of the key positions in this town that directly relates to residents on a daily basis and after his comments he feels he has obviously done his homework on it and believes the Board should accept his recommendation as the Town's Highway Superintendent.

Councilman Paolucci felt the proposed vehicle is on the higher level of vehicle that are available. He would like him to look at other four-wheel drive vehicles for consideration.

Supervisor Barrett also stated he is concerned how it looks to the residents having a higher level vehicle.

Councilman Roth suggested for the first meeting in February that Mr. Kukuk obtain other information on other possible lower level SUV four-wheel drive vehicles for consideration of the Board.

Councilman Paolucci agreed with Councilman Roth's suggestion.

Councilwoman Walowit expressed concern with bad weather between now and the next meeting that Superintendent Kukuk will have to deal with in the current vehicle. She feels the board should respect his view on this recommendation.

**MOTION TO TABLE** by Councilman Roth, seconded by Councilman Paolucci.

**ROLL CALL VOTE ON MOTION**

Ayes: Councilman Paolucci, Councilman Roth, Supervisor Barrett

Noes: Councilman Speckhard, Councilwoman Walowit

**MOTION CARRIED**

Resolution No. 20 of 2006, a resolution re-appointing Margaret Kasky as alternate Secretary to the Planning Board.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, Margaret Kasky, 12 Garrison Lane, Ballston Lake, has been serving as alternate Secretary to the Planning Board, and

WHEREAS, the Town Board wishes to re-appoint Margaret Kasky as alternate Secretary to the Planning Board; now, therefore, be it

RESOLVED, that Margaret Kasky, 12 Garrison Lane, Ballston Lake, is hereby re-appointed as alternate Secretary to the Planning Board.

**ROLL CALL VOTE**

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

**DECLARED ADOPTED**

Resolution No. 21 of 2006, a resolution appointing William Pomeroy to the Emergency Services Advisory Board from the Ballston Lake Ambulance Squad.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, Resolution No. 1 of 2006 incorrectly appointed William Pomeroy as an alternate member from the Ballston Lake Fire Department, for Nancy Bellamy, to the Emergency Services Advisory Board, and

WHEREAS, William Pomeroy, 12 Eastwood Drive, Ballston Lake, should have been appointed as a representative to the Emergency Services Advisory Board from the Ballston Lake Ambulance Squad; now, therefore, be it

RESOLVED, that William Pomeroy, 12 Eastwood Drive, Ballston Lake, is hereby appointed as a representative from the Ballston Lake Ambulance Squad to the Emergency Services Advisory Board for a three year term to expire December 31, 2008.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 22 of 2006, a resolution appointing new members to the Historic Preservation Commission and also re-appointing one member.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, openings exist on the Historic Preservation Commission, and

WHEREAS, Deborah Emmons-Andarvis, 67 Hubbs Road, Ballston Lake, Carol Temple, Main Street, Jonesville, Mark Kazmierczak, 394 Vischer Ferry Road, Clifton Park, and Anna Fisher, 341 Riverview Road, Rexford, have been recommended to become members of the Commission; now, therefore, be it

RESOLVED, that Deborah Emmons-Andarvis, Carol Temple, Mark Kazmierczak, and Anna Fisher be appointed as members of the Historic Preservation Commission for a three year term to expire December 31, 2008, and be it further

RESOLVED, that Andrea Becker, 8 Brassfield Court, Clifton Park, be re-appointed as a member of the Historic Preservation Commission for a three year term to expire December 31, 2008; and be it further

RESOLVED, that Thomas McCarthy, Deputy Town Attorney, be appointed as the legal liaison to the Historic Preservation Commission as one of his additional duties, effective as of January 1, 2006.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 23 of 2006, a resolution appointing Patricia O'Donnell as Registrar of Vital Statistics and Records Access Officer.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, it is desirable to reappoint Patricia O'Donnell, Town Clerk, as Registrar of Vital Statistics and Records Access Officer for a two-year term; now, therefore, be it

RESOLVED, that Patricia O'Donnell is re-appointed as Registrar of Vital Statistics and Records Access Officer with term to expire December 31, 2007.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 24 of 2006, a resolution authorizing Sanford Roth, Lynda Walowit, Michael Shahan, Mark Heggen, Thomas Paolucci, Anita Daly, James Trainor and Louis Renzi to attend the Association of Towns Meeting.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the New York State Association of Towns will be holding its annual meeting February 19 - 22, 2006 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Sanford Roth, Anita Daly, Lynda Walowit, Michael Shahan, Mark Heggen, Thomas Paolucci, James Trainor and Louis Renzi for reasonable transportation and lodging after attending the New York State Association of Towns meeting in New York City from February 19 - 22, 2006, to be vouchered appropriately.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 25 of 2006, a resolution appointing an alternate member to the Zoning Board of Appeals.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, Local Law No. 8 of 2005 provided for the appointment of alternate members to the Zoning Board of Appeals and the Planning Board, and

WHEREAS, the Town Board wishes to appoint Christopher Lemire, 23 Parkside Trail, Ballston Lake, as an alternate member of the Zoning Board of Appeals; now, therefore, be it

RESOLVED, that Christopher Lemire, 23 Parkside Trail, Ballston Lake, is hereby appointed as an alternate member of the Zoning Board of Appeals, for a one year term to expire December 31, 2006.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 26 of 2006, a resolution hiring a half-time Laborer for the Clifton Park Sewer District No. 1.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, a need exists for a half-time Laborer to perform duties and tasks associated with the operation and maintenance of the Clifton Park Sewer District No. 1, and

WHEREAS, Michael O'Brien, Facility Supervisor, has recommended that Kevin Bowman, 157 Sugarhill Road, Rexford, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to Michael O'Brien to hire Kevin Bowman, 157 Sugarhill Road, Rexford, as a half-time Laborer for the Clifton Park Sewer District No. 1, at Grade 1, Step 1 (\$10.87 per hour), effective immediately, to be budgeted from G7-8110-E4000 (Clifton Park Sewer District No. 1-part-time employee), \$6500 and transfer from Contingency to G7-8110-E4000, \$3200.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 27 of 2006, a resolution authorizing bus transportation for Lynda Walowit and Sanford Roth to the Association of Towns Meeting February 19-22, 2006.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the Town of Saratoga has reserved a bus for transportation to and from the Association of Town's Meeting in New York City, at a non-refundable cost of \$36.51 per seat, based on a full bus; now, therefore, be it

RESOLVED, that transportation to the Association of Town's Meeting, for Lynda Walowit and Sanford Roth is authorized through the Town of Saratoga, at a cost of \$36.51 per seat (non-refundable).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 28 of 2006, a resolution authorizing the Town Supervisor to enter into a contract to purchase land from Isabel and Joel Prescott for future parkland.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, the Town Board wishes to enter into an agreement with Isabel and Joel Prescott to purchase approximately 5 acres of land for riverfront parkland and will prohibit commercial and residential development, and



WHEREAS, the acquisition of this land would confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of approximately 5 acres of land is identified as follows:

Section, Block, Lot	Commonly known address
282.-1-8.21	660 Riverview Road, Rexford

located in the Town of Clifton Park, and

WHEREAS, the cost of the land will be approximately \$200,000 to be paid from the Unreserved Fund Balance, and

WHEREAS, a boundary survey and subdivision will be required, the cost of this survey and subdivision is estimated at \$10,000, and

WHEREAS, the Town has already received a grant award from Saratoga County in the amount of \$100,000 for this project; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached Agreement with Isabel and Joel Prescott for the purchase of approximately 5 acres of land located on Riverview Road, Rexford, for parkland purposes at a cost to the Town of approximately \$100,000, and authorizing a survey be done at a cost of \$10,000 to be paid from the Unreserved Fund Balance.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 29 of 2006, a resolution authorizing the Town Supervisor to enter into a contract to purchase the development rights from Isabel and Joel Prescott.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the Town Board wishes to enter into an agreement with Isabel and Joel Prescott to purchase the development rights from the Riverview Orchard parcel, and

WHEREAS, the purchase of these development rights will prohibit future development on this parcel, and

WHEREAS, the acquisition of these development rights will confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of development rights on 90 acres of land is identified as follows:

Section, Block, Lot	Commonly known address
282.-1-8.21	660 Riverview Road, Rexford

located in the Town of Clifton Park, and

WHEREAS, the cost of the development rights will be approximately \$811,875, and

WHEREAS, a grant application has been submitted for 75% of acquisition costs, and

WHEREAS, the total Town contribution will be approximately \$135,000 if the application is selected for funding, and

WHEREAS, the Town has already received a grant award of \$100,000 for this project; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached Agreement with Isabel and Joel Prescott for the purchase of development rights on approximately 90 acres of land located on Riverview Road, Rexford, at a cost of approximately \$135,000 to be paid from the Unreserved Fund Balance.

Councilman Paolucci questioned the development potential for this land.

Jason Kemper, Director of Planning, stated the parcel has a possibility of 24-27 development units and prior to the new Zoning Code it would have had a potential of up to 40 development units.

James Trainor, Town Attorney, recommended adding a provision to this contract that this not go forward unless the Town receives the state grant with the option that the Town go forward without the grant.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

James Baisley, Barkwood Lane, stated he disagrees with the Town Board to table the Highway vehicle resolution. He stated that residents depend on the Highway Superintendent. As an elected official the Board should rely on his decision.

Joseph Sherber, Ballston Lake Road, attended a Planning Board meeting and felt that in a situation were a contractor can, by giving money to the town, break the Zoning. He feels other alternatives can be used. Other suggestions were discussed.

Supervisor Barrett explained within the Zoning Code there is an option for contractors to give the Town and Planning Department flexibility.

MOTION by Councilwoman Walowit, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:10 p.m.

Teresa J. Brobston  
Deputy Town Clerk